

REMARKS

Claims 1-23 are pending in this application.

Claims 1-23 are rejected.

Claims 1, 3, 10, 12, 19, and 21 have been amended as shown above.

Reconsideration of the claims is respectfully requested.

I. INTERVIEW SUMMARY

A telephonic interview was conducted on March 2, 2010, between the Applicants' representative and Examiner Duong. The Applicants would like to thank Examiner Duong for her time and consideration during this interview.

In the interview, the Applicants and Examiner Duong discussed the 103 claim rejections in the January 5, 2010, Office Action. Specifically, the Applicants and Examiner Duong discussed ways to overcome the 103 rejection by amending the claims to include one or more features related to the quality of service and traffic shaping that occur in the switch fabric, as described in paragraphs [057]-[060] of the Applicants' disclosure. The Applicants agreed to amend the claims with a plan to file a Request for Continued Examination in order to have the claim amendments entered. Examiner Duong agreed to review the claim amendments with her supervisor to help further prosecution.

II. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3-5, 7, 8, 10, 12-14, 16, 17, 19, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,654,343 to *Brandis et al.* (“Brandis”) in view of U.S. Patent No. 6,563,837 to *Krishna et al.* (“Krishna”) and further in view of U.S. Patent No. 5,867,480 to *Thomas et al.* (“Thomas”). Claims 2, 11, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis, Krishna, and Thomas, and further in view of U.S. Patent Publication No. 2004/0179542 to *Murakami et al.* (“Murakami”). Claims 6, 15, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis, Krishna, and Thomas, and further in view of U.S. Patent No. 6,289,021 to *Hesse* (“Hesse”). Claims 9 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brandis, Krishna, and Thomas, and further in view of U.S. Patent Publication No. 2002/0135843 to *Gruia*. (“Gruia”). The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-127 (8th ed. rev. 7 July 2008). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some reason – such as a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art – to modify the reference or to combine reference teachings. MPEP § 2142, pp. 2100-127 to 2100-128 (8th ed. rev. 7 July 2008); MPEP § 2143, pp. 2100-128 to 2100-139; MPEP § 2143.01, pp. 2100-139 to 2100-141. Second,

there must be a reasonable expectation of success. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.02, pp. 2100-141 to 2100-142 (8th ed. rev. 7 July 2008).

Independent Claim 1 has been amended to recite a “switch fabric configured to perform traffic prioritization and quality of service functions in a single process at the switch fabric.” This feature is not taught or suggested by Brandis, Krishna, or Thomas, separately or in combination. Brandis describes traffic prioritization that occurs at an ingress scheduler and/or an egress scheduler, not actually at the switch fabric. Moreover, Brandis does not teach or suggest anything about quality of service functions. While Krishna makes one mention of quality of service as it relates to fairness, Krishna does not teach or suggest a switch fabric that performs traffic prioritization and quality of service functions in a single process. Thomas does not cure the deficiencies of Brandis and Krishna.

Therefore, Claim 1 is patentable over Brandis, Krishna, Thomas, and any combination of the three. Independent Claims 10 and 19 recite features analogous to those of Claim 1 discussed above. Accordingly, Claims 10 and 19 are also patentable over Brandis, Krishna, Thomas, and any combination of the three. The remaining claims depend from the independent claims and are therefore patentable at a minimum due to their dependence from allowable base claims.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection.

CONCLUSION

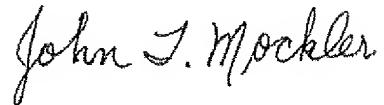
As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully request that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@munckcarter.com.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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